

**EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES
MAY 24, 2011**

- a. **1030-1130 San Pablo Avenue (University Village). Planning Application #07-100. Planning Application 10-050. Rezoning and Planned Unit Development.** A request for rezoning and planned unit development approval for exceptions to zoning district height requirements, open space, and parking and loading standards for a new grocery store and mixed-use senior housing and development at a site owned by the University of California.

Recommendation: Study Session only. No action by the Commission will be taken at this meeting.

Vice Chair Arkin recused himself due to proximity to his residence and office and excused himself from the rest of the meeting. Commissioner Maass nominated Commissioner Panian to chair the rest of the meeting. Commissioner Panian accepted.

Planning Manager Bond delivered the staff report. Acting Chair Panian opened the public hearing and invited the applicant to make a presentation. Kevin Hufferd, UC Berkeley Real Estate Division, Project Manager, made a presentation. Peter Waller, the project architect, made a presentation. Commissioner Eisenmann asked for clarification on the shared parking. Mr. Hufferd opined it would absorb part of the overly high parking requirement (assisted living facilities should not be required to supply two spaces per unit).

Maureen Crowley, Albany resident, opposed a massive Whole Foods and suggested the senior housing was a come-on and that there was no need to change zoning for it. SB375 discouraged zoning away from residential. There was no written commitment to restore either creek. Codornices Creek should be restored along the ball fields, too. There was no written commitment to maintain the ball fields. Ed Fields, Albany resident, said PUDs were supposed to increase open space, not reduce it. Need detailed analysis. Also, what was the main amenity/benefit? Needed a guarantee that the applicant would restore Codornices Creek. Zoning did not need to be changed. He preferred the environmentally superior alternative from the EIR. The master plan had student housing there, not senior housing. Where would the student housing have to go?

Signe Magnussen, Albany resident, opposed the lack of sustainability of Whole Foods (not local, not local sources). She was concerned about a lack of specificity in the EIR. She hoped the Gill Tract would remain agricultural land. Francesco Papalia, Albany resident, agreed the project was not perfect, but the world was not perfect. Adds revenue, bicycle parking, bicycle plan, and affordable and senior housing. Developers had a right to develop and get a return. Albany did not need subsidized farmland. Lubov Mazur, Albany resident, supported senior housing and opined the Gill Tract was too small to feed Albany.

Preston Jordan, Albany Stroller and Rollers, met with the applicant and they incorporated some of what they wanted. Would like to see commitment from CalTrans and access to Whole Foods from the east on Dartmouth for bicyclists. The phased sheet showing Whole Foods only did not include improvements south of Monroe. Codornices Creek bicycle path not completed. He held

a meeting with representatives of several local organizations to try to work together. He hoped that agreements and funding could be found to move the ballparks to the Gill Tract. Rita Wilson was in favor of senior housing and hoped it would not all be assisted living.

Ibrahim Robin, Albany Soccer, stated local businesses could prosper in the other commercial spaces because of the draw of the anchor store. He supported senior housing. Katherine Sutton, Albany resident, stated when the other student housing went up it would block views of the ball fields. The creek needed to wind more--that needed to be in the plan. Senior housing needed to be affordable. She would prefer a locally owned store. The Gill Tract had agricultural quality soil. Could be a demonstration farm to educate people on how to do permaculture.

Michael Roberts, Albany resident, supported the elimination of left turns onto Dartmouth. He preferred moving the crosswalk rather than adding a signal. He did not want cut through traffic. Wanted mitigation. Art Simon, Albany resident, wanted pedestrian and bicycle friendliness. Rex Higginbotham, former Little League President, representing Albany Kids First, was in favor of sports fields. Jack Miller, Little League President, stated the bike path would eliminate sports fields. Hoped for compromise. Susan Moffat, Albany resident, supported senior housing and a grocery store and a link between the Ohlone Greenway and Bay Trail. She was concerned about the phasing. Dartmouth crossing improvements should be part of Phase One. Could Dartmouth be one way? It was a dangerous corner. There should be exceptional public amenities. The language on creeks and traffic was too vague. These improvements should be required to be completed prior to issuance of a certificate of occupancy.

Clay Larson, Albany resident, hoped it would be hard to make the findings to grant the height exception. Scale back down to 50 feet. Brian Parsley, Albany resident, supported the project. Public art 3.75 million, parcel taxes for schools, and continued use of Little League fields. He agreed Dartmouth would be impacted. Jackie Hermes-Fletcher opined this was not a green project. She wanted a small, locally owned store and educational farm. Susan Schwartz, Friends of Five Creeks, handed in a typed document. She stated there would have to be a plan for Codornices Creek restoration between 9th and 10th, too. City needed to be sure any green space set aside for creek restoration would not be needed by Fire Department or utilities or public works.

Carol O'Keefe, Albany resident, saw benefits of the project, and did not oppose the height. It would not be blocking any views or sunlight. Daniel Dole, southwest neighbor of parcel B, supported restoration of the creeks, with a written commitment, and supported senior housing. He did not like the piecemeal development. He opposed the height--almost doubling the maximum. He would be more comfortable with fewer units and more open space. Nick Pilch, Albany resident, and Strollers and Rollers, was concerned about the Dartmouth crossing, and it had to be part of Phase One. Amenities--Jackson/Buchanan was underway already, so they could not use that. He did not want to lose a minute of sports field playing time, but would try to get good bike paths. He said the City should ask for the sky and get it in writing. No zoning change required.

Kristen Voorhees, Albany resident, was concerned for pedestrian safety at Dartmouth and at Monroe--plenty of close calls with motor vehicles. Todd Abbot, Albany resident and board member of Chamber of Commerce, stated there were reasons behind the height, the phasing,

the store first. He urged the City not to ask for the sky, to be reasonable so as not to delay the project. Mara Duncan, Albany resident, was concerned about sustainability, community, connections, and wanted Albany to stop growing and growing. She would prefer a small, affordable, local grocery store. She mentioned the university was a land grant university. Allan Maris, Albany resident, noted the great need for senior housing and also transitional age housing and recommended they could be combined.

Kim Linden, Albany resident, was not pleased with the responses to comments on the EIR. There were cumulative impacts that should all be considered simultaneously. She stated the university shrank the Gill Tract footprint. They should have to follow AB32 and the Climate Action Plan. Why would BAAQMD allow them to follow 1999 guidelines? Peggy McQuaid, Albany resident, said this would revitalize and bring money into Albany. Dartmouth traffic issues and crossing needed attention. No one else wished to speak. Acting Chair Panian closed the public hearing.

Commissioner Eisenmann stated it needed to be clear, in writing, and airtight – the City should take enough time to do it right. She favored senior housing and thought it could go forward first with no rezoning. She also wanted everyone's concerns to be addressed. Dartmouth intersection needed to be resolved. This was a means for revenue and would revitalize San Pablo.

Commissioner Maass expressed reservations with the PUD moving forward at this time, noting that height was an issue and proposed amenities were less impressive. He also stated a concern about impacts on Dartmouth.

Commissioner Panion noted that the project is a once in a lifetime opportunity and that the PUD should be used to make the project better, not to intensify the development. He stated that the City needs more information on amenities.

**EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES
JUNE 22, 2011**

6. Discussions and Possible Action on Matters Related to the Following Items

- a. **1030-1130 San Pablo Avenue (University Village Mixed Use Project). Planning Application #07-100. Rezoning and Planned Unit Development.** The applicant seeks approval to construct a new 55,000 sq ft grocery store at the north side of Monroe and a mixed-use retail space and senior living project on the south side of Monroe. This study session is a review of the project with an emphasis on the Environmental Impact Report. Final action on the Environmental Impact Report will be taken by the City Council at a public hearing, future date to be determined.

Recommendation: Provide feedback and direction to staff, consultants, and the applicant.

Continue discussion to regular meeting of June 28, 2011.

Planning Manager Bond delivered the staff report. David Clore, LSA Associates, talked about the response to comments on the EIR. He stated there were eight kinds of comments:

- Other agencies' processes would be needed
- Protection/restoration of riparian creekbanks
- Creekwater quality--stormwater runoff
- Traffic, pedestrian safety, transit
- Parking--too little or too much
- Design details or project operations beyond scope of EIR
- Air quality and greenhouse gases
- Agriculture and food supply

Would the document have to be recirculated after responses and revisions? No. There were Commissioner questions about what would trigger major EIR revision (which would require recirculation). Mr. Clore explained more about the revision process.

Chair Moss opened the public hearing. Ed Fields, Albany resident, noted CEQA states: prevent damage to environment--alternatives or mitigation. He would like to see Alternative B taken seriously and implemented, with no need to reduce the senior housing. Climate change--relying on state and federal vehicle standards--that is not a mitigation. There was supposed to be student housing (UV Master Plan EIR). With senior housing, where was the student housing going to go?

A. J. Martin representing AC Transit wanted to be sure the project would be transit-friendly (bus stops right in front of store, buses need to be able to turn onto Monroe, concerns about traffic slowing San Pablo Avenue down). Todd Abbott, President of the Chamber of Commerce, stated it was time to move this forward and get a decision. Amy Smollenz, Albany resident, supported the market and was confident the developer would work with Albany Strollers and Rollers. Rex Higginbotham, Albany Little League, wanted the ball fields preserved. No one else wished to speak. Chair Moss closed the public hearing.

Commissioner Panian thought the EIR and rezoning could be handled first, the PUD second. Commissioner Eisenmann asked was requiring air conditioning units normal? It did not seem green to her. Mr. Clore explained it was a noise mitigation. Commissioner Eisenmann asked

after spraying down construction dust, how do they keep the water from getting in the creek? Planning Manager Bond explained they use filters and berms. Commissioner Eisenmann thought parking should be different depending on the type of senior housing.

Commissioners Panian, Maass, and Eisenmann, and Chair Moss could recommend adoption of the EIR. Planning Manager Bond discussed the scheduling of the items over the next few meetings. Kevin Hufferd, UC Berkeley, noted draft PUD conditions were in a May meeting packet (May 24?). He hoped this could move forward before the August recess.

Commissioner Panian moved continuation to the June 28, 2011, and July 7, 2011, meetings. Commissioner Maass seconded.

Vote to continue item **6a**:

Ayes: Eisenmann, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES
JUNE 28, 2011**

- a. **1030-1130 San Pablo Avenue (University Village Mixed Use Project). Planning Application #07-100. Rezoning and Planned Unit Development.** The applicant seeks approval to construct a new 55,000 sq ft grocery store at the north side of Monroe and a mixed-use retail space and senior living project on the south side of Monroe. This study session is a review of the project with an emphasis on the Environmental Impact Report. Final action on the Environmental Impact Report will be taken by the City Council at a public hearing, future date to be determined.
Recommendation: Provide feedback and direction to staff and the applicant. Continue discussion to regular meeting of July 7, 2011.

Commissioner Arkin recused himself due to proximity to his residence and office, and excused himself from the rest of the meeting. Planning Manager Bond delivered the staff report. Commissioner Maass asked for clarification about the PUD. The PUD runs with the construction. Commissioner Eisenmann asked if the EIR mitigations would be in the PUD. They could.

Chair Moss opened the public hearing and invited the applicant to make a presentation. Kevin Hufferd, project manager for UC Berkeley, was available to answer questions. Peter Waller, project architect, was available to answer questions. Clay Larson, Albany resident, stated the amenity was not the project itself. Exceptional amenity and benefit unachievable without the PUD. Should be in general compliance with standards. Not much open space, especially for the senior housing. He opposed the height.

Joan Larson, Albany resident, looked forward to a Whole Foods. She opposed the height. The open space and green space loss would be a significant impact. She stated underground parking would flood and not be used. Ed Fields, Albany resident, wanted the environmental alternatives considered seriously. He also opined the rezone of block B was not necessary. PUD was supposed to result in more open space, and could the applicant count required drainage swales as usable open space?

Maureen Crowley, Albany resident, did not want the zoning changed. There was no guarantee of housing if the zoning was changed to commercial. The city should not be giving up housing opportunities per SB375. She suspected the senior housing was a ruse. Signe Magnussen, Albany resident, wanted a sustainable project. Mr. Hufferd reiterated the university was committed to senior housing. No one else wished to speak. Chair Moss closed the public hearing.

Commissioner Maass asked about progress with senior housing developers and operators. Mr. Hufferd stated they had two lead candidates and could make a decision in the next two weeks. Commissioner Eisenmann asked about the ceiling heights in the senior housing. They would be nine feet. Commissioner Eisenmann asked whether the commercial spaces could fit within the 100-foot zone and also about the possibility of wrapping the commercial around on Monroe. Mr. Hufferd reviewed the plans.

Chair Moss asked about the nature of the senior housing. Mr. Hufferd indicated it would be a multi-level care facility. Larger units with kitchens, smaller assisted-living units, and memory care units for patients with Alzheimer's disease. Chair Moss asked why it had to be so compact and tall, and why it opened up to San Pablo Avenue instead of opening up to the creek. He wanted to see the amenity as open space. He wanted to see the plan for the creeks. Chair Moss asked whether the Fire Marshall was confident they could fight a fire in a building this height. He wondered if there was not enough open space, could another part of the university land be dedicated as open space (ball fields, Gill tract).

Commissioner Maass had concerns about the contrasting height between the retail and the senior housing. He was glad the Dartmouth crossing would be utilized for pedestrians and bicyclists. Chair Moss recommended using asymmetry to break up the massing.

Commissioner Maass moved to continue to a date uncertain. Commissioner Eisenmann seconded.

Vote to continue item **6c**:

Ayes: Eisenmann, Maass, Moss

Nays: None

Motion passed, 3-0.